

## Message Text

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ACTION EUR-12

INFO OCT-01 IO-13 ISO-00 EURE-00 ACDA-07 CIAE-00 INR-07

L-03 NSAE-00 NSC-05 EB-07 NRC-05 OES-06 FEAE-00

DODE-00 ERDA-05 PM-04 H-02 PA-01 PRS-01 SP-02 SS-15

USIA-06 SAJ-01 /103 W

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P R 141132Z JUL 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 0400

USMISSION IAEA VIENNA

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

AMEMBASSY BERLIN

USMISSION USBERLIN

USMISSION NATO BRUSSELS

AMEMBASSY WARSAW

AMEMBASSY PRAGUE

C O N F I D E N T I A L SECTION 01 OF 02 BONN 11850

E.O. 11652: GDS

TAGS: PGOV PFOR IAEA WB GW US UK FR UR PL CZ

SUBJECT: CZECH AND POLISH COMPLAINTS IN IAEA ON  
BERLIN CLAUSE

REFS: (A) BONN 11579; (B) IAEA VIENNA 3266;  
(C) BONN 5870

SUMMARY. FRG BONN GROUP REP HAS ASKED ALLIED REPS TO  
REPORT TO THEIR AUTHORITIES THAT A "VERY HIGH LEVEL"  
OF THE FRG FOREIGN OFFICE DOES NOT AGREE WITH DRAFT TEXT  
PROVIDED REFTEL OF REPLY TO POLISH AND CZECH NOTES IN  
IAEA. FOREIGN OFFICE DESIRES TO ADD SUBSTANTIVE ARGU-  
MENTS AS CONTAINED IN EARLIER ALLIED REPLY TO SOVIET  
NOTE (REFS B AND C). END SUMMARY.

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1. IN JULY 13 BONN GROUP MEETING, ALLIED REPS ALL REPORTED THEY HAD YET RECEIVED NO INSTRUCTIONS ON DRAFT TEXT OF REPLY TO POLISH AND CZECH NOTES IN IAEA COMPLAINING ABOUT BERLIN CLAUSE IN FRG-IAEA HOST COUNTRY AGREEMENT.

2. FRG REP (LUECKING) SAID A "VERY HIGH LEVEL" OF THE FOREIGN OFFICE HAD CONSIDERED THE DRAFT AND, PARTICULARLY IN CONSIDERATION OF FRG-POLISH RELATIONS, HAD CONCLUDED THE DRAFT WAS NOT SUFFICIENTLY "POLITE." LUECKING WAS THEREFORE UNDER INSTRUCTIONS TO REQUEST ADDITION OF SUBSTANTIVE ARGUMENTS TO THE DRAFT, SPECIFICALLY, PARAS TWO AND THREE FROM ALLIED REPLY (REF C) TO THE EARLIER SOVIET NOTE.

3. UK (HITCH) AND US REPS RESPONDED THAT TO INCLUDE SUBSTANTIVE ARGUMENTS IN REPLY TO POLES AND CZECHS WOULD GIVE THEM STANDING VIS-A-VIS THE QA, WHICH THE FOUR LONG AGO HAD AGREED WOULD BE WRONG. US REP SAID WAY TO ADD MORE POLITENESS SEEMED RATHER TO CUT LAST PHRASE FROM PARA ONE OF DRAFT (REGARDING THEIR NON-COMPETENCE RE QA) WHICH WAS NOT NECESSARY ANYWAY SINCE TEXT CONFIRMED ALL POINTS MADE IN REPLY TO SOVIETS.

4. HITCH ADDED THAT THE THREE WANTED GOOD RELATIONS WITH THE POLES JUST AS MUCH AS THE FRG. IN ANY EVENT, THE REPLY WOULD BE FROM THE ALLIES, NOT FROM BONN, AND HE WAS SURE GOOD ALLIED RELATIONS WITH THE POLES COULD SURVIVZ THE DRAFT TEXT.

5. LUECKING, NOT RESPONDING TO POINTS OF SUBSTANCE, SAID THIS WAS A SERIOUS MATTER WHICH HE REQUESTED THE ALLIED REPS TO REPORT TO THEIR AUTHORITIES.

6. COMMENT: THE GERMAN POSITION PUTS US IN THE SAME POSITION WE WERE IN ON THE TNC COMPLAINT (STATE 140319 AND BONN 11038). WE CONSIDER THE FRG STATEMENT

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ACTION EUR-12

INFO OCT-01 IO-13 ISO-00 EURE-00 ACDA-07 CIAE-00 INR-07

L-03 NSAE-00 NSC-05 EB-07 NRC-05 OES-06 FEAE-00

DODE-00 ERDA-05 PM-04 H-02 PA-01 PRS-01 SP-02 SS-15

USIA-06 SAJ-01 /103 W

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P R 141132Z JUL 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 0401

USMISSION IAEA VIENNA

INFO AMEMBASSY LONDON

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AMEMBASSY PRAGUE

C O N F I D E N T I A L SECTION 02 OF 02 BONN 11850

RE "POLITENESS" TO BE DISINGENUOUS AND SEE THEIR POSITION BASED ON TWO CONSIDERATIONS: (A) THE FOREIGN OFFICE APPARENTLY WANTS ITS CASE STATED FULLY ON EVERY OPPORTUNITY ON THE BELIEF THAT DOING SO WILL EDUCATE THIRD STATES; AND (B) THE FOREIGN OFFICE WANTS EACH STATE SENDING A COMPLAINT TO BE DIRECTLY AND SPECIFICALLY REBUFFED, APPARENTLY PARTIALLY IN THE HOPE OF LESSENING THE CHANCES FOR FUTURE, SIMILAR COMPLAINTS. WE ALSO DETECT A KIND OF SEIGE MENTALITY IN THE FOREIGN OFFICE, AND A GROWING FEELING THERE THAT THE FRG AND THE ALLIES MUST NOT LET ANYONE "GET AWAY WITH" CHALLENGING THE FRG ON BERLIN.

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WE BELIEVE WE SHOULD CONTINUE TO BE GUIDED BY THE BASIC POINT LONG SHARED BY THE ALLIES HERE AND FORMERLY BY THE FRG: WE SHOULD NOT ARGUE IN PUBLIC QA SUBSTANCE WITH NON-PARTIES TO THE QA. BEYOND THIS, WE CONTINUE TO BELIEVE IT IS NOT IN ANY OF OUR INTERESTS TO PROLONG DISCUSSION OF THESE MATTERS IN INTERNATIONAL ORGANIZATIONS. NOBODY IS EVER CONVINCED BY SUCH DISCUSSION AND THE QUESTION CAN ONLY ARISE AS TO WHETHER SERIOUS BERLIN PROBLEMS ARE JUST BELOW THE SURFACE.

7. ACTION REQUESTED: THE DEPARTMENT AUTHORIZE US TO  
STATE IT FAVORS THE DRAFT PROVIDED REF (A). WE WOULD  
ALSO WORK FOR A COMPROMISE TEXT, BUT ONE WHICH DOES  
NOT ARGUE SUBSTANCE WITH NON-QA SIGNATORIES.  
CASH

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